

FARMINGTON CITY
PLANNING COMMISSION MEETING
October 19, 2017

STUDY SESSION

***Present:** Chair Heather Barnum, Commissioners Roger Child, Connie Deianni, and Rebecca Wayment, Community Development Director David Petersen, Associate City Planner Eric Anderson, and Recording Secretary Lara Johnson. Commissioners Bret Gallacher, Kent Hinckley, and Alex Leeman were excused.*

Item #3. Carolyn Hansen – Requesting metes and bounds subdivision approval of the Cunningham Subdivision consisting of 2 lots on .48 acres of property

Eric Anderson said this applicant is a straightforward lot split. He said the subject property is located on the northeast corner of 200 E. and 200 S. in the OTR zone. Both proposed lots conform to the lot requirements found in Chapter 17 of the Zoning Ordinance. He said the existing home found on the lot is situated such that the lot can be split and the existing home remain intact, so the applicant plans to leave it. **Eric Anderson** said the lots meets all the subdivision, setback, etc. requirements. He said even though this is listed as a public hearing, he said the approval process is administrative, and the Commission is required to approve it. **David Petersen** said he received a call from a neighbor concerned about the retaining wall that is between the properties. He said he explained to the resident that the building permit process would handle concerns with the retaining wall, and not the Planning Commission. He advised the resident to come to the public hearing to express concern on record, but also advised the resident that it is often helpful to discuss the concerns with the neighbor ahead of time.

Roger Child asked if there are alternatives for an applicant besides requesting a subdivision for so few lots. **David Petersen** said it is considered a “metes and bounds” under the legal description. **Eric Anderson** further explained that a simple lot split is considered a “metes and bounds,” a minor subdivision is considered a subdivision with 3-9 lots, and a major subdivision is a subdivision with more than 9 lots or has any kind of dedication regardless of the number of lots.

Rebecca Wayment referenced the motion in the staff report, and questioned the zone that was listed in the proposed motion. **Eric Anderson** said it was a typo; a corrected motion was discussed.

Item #4. Jared Schmidt / Symphony Homes – Requesting preliminary plat approval of the Eastridge Estates Phase III Conservation Subdivision

Eric Anderson said Phase I of the Eastridge Estates already has the majority of the homes built. He showed the vicinity map for the entire subdivision. He explained that when staff was presented the schematic master plan for the subdivision, Phase II was listed as Phase 2a and 2b. Staff requested that these two phases be renamed and individuated into Phase II and Phase III, which then resulted in the master plan Phase III be changed to Phase IV. **Eric Anderson** said Phase III (previously Phase 2b) is located in the middle of the subdivision. He said all utilities and improvements will be stubbed so they can easily continue Phase IV (previously Phase III). He said since the applicant applied for a conservation subdivision, the applicant submitted, and received approval, for a schematic master plan. The schematic master plan allowed the applicant to consolidate the open space for all phases into one area, which was done to build a regional detention basin facility, on the west side of the project, near the Lagoon

billboard. **Eric Anderson** said the regional detention basin is a good thing for the project, as well as for the City because it services multiple surrounding projects. He said the regional detention basin is also located in a good spot to buffer the subdivision from the Frontage Rd.

Connie Deianni expressed concern regarding the process of wetland mitigation, and if future problems could arise because of the mitigation. **Eric Anderson** said the United States Army Corps of Engineers (USACE) approves or denies the mitigation of wetlands. In this case, the USACE approved the mitigation of wetlands, which is what the applicant was waiting for before they could move forward with their project. The USACE allows the removal of wetlands in one area in exchange for in-kind wetlands to be replaced in another location. He said there are sending and receiving wetland zones all over. He said often the removal of 1 acre of wetlands can result in 2 acres of in-kind wetlands elsewhere, but can be up to a 1:5 exchange. **David Petersen** said the USACE requires applicants to show plans on how to remove the wetlands, which can vary based on the wetland area, during the approval process. He said the Planning Commission previously had concerns that the applicant may not obtain approval from the USACE to mitigate the wetlands in some areas, so each phase of the subdivision was designed to stand alone in the event one of the phases does not receive mitigation approval. **Eric Anderson** added that wetland mitigation is treated similar to soils reports. Staff feels and recognizes they are not the experts in these areas; however, the City does its best with the information provided by the experts. He said it is their opinion that if the USACE is ok mitigating a wetland area, then staff is comfortable with it as well.

Eric Anderson also said that the applicant previously submitted Phase 2a and 2b at the same time. The applicant is working to address some issues with the water line, UDOT access, buildable area on the lots, and more in Phase II (previously Phase 2a), which is why Phase III (previously Phase 2b) is coming before the Commission prior to Phase II.

Item #5. 5. Miscellaneous: a) Mountain View Motion - Findings

David Petersen said staff provided the Findings for the Mountain View Motion, as was discussed in the October 5, 2017 Planning Commission meeting. **Heather Barnum** said she was comfortable with the proposed Findings. She asked that when the Findings are presented to City Council staff make it clear that these findings are based on the standards found in the Ordinance. **Eric Anderson** said staff plans to put the entire Planning Commission draft minutes into the City Council staff report so the Council members will have the full context of the discussion and decision made by the Planning Commission.

REGULAR SESSION

***Present:** Chair Heather Barnum, Commissioners Roger Child, Connie Deianni, and Rebecca Wayment, Community Development Director David Petersen, Associate City Planner Eric Anderson, and Recording Secretary Lara Johnson. Commissioners Bret Gallacher, Kent Hinckley, and Alex Leeman were excused.*

Item #1. Minutes

There were no minutes to approve at this time.

Item #2. City Council Report

David Petersen said there is nothing to report from the October 17, 2017 City Council meeting as there were no planning related items presented.

SUBDIVISION

Item #3. Carolyn Hansen (Public Hearing) – Applicant is requesting metes and bounds subdivision approval of the Cunningham Subdivision consisting of 2 lots on .48 acres of property located at 187 South and 200 East in an OTR (Original Townsite Residential) zone. (S-17-17)

Eric Anderson said the property considered for a split is located in the OTR zone on the northeast corner of 200 S. and 200 E. The applicant is requesting to split the lot in half. He said the lot is large enough to create two 10,000 sq. ft. lots. The two proposed lots meet lot width, setbacks, and other requirements for the OTR zone, as found in Chapter 17 of the Zoning Ordinance. He also noted that the way the existing home is positioned on the property, the lot split will not affect the home. The applicant plans to keep the existing home intact. **Eric Anderson** said this is a straightforward lot split, and is an administrative act that should be approved, because the property right for a lot split is already vested by the OTR zone standards.

Carolyn Hansen, 187 S. 200 E., said her mom currently owns the property; she and her mom would like to split the property so she can build a home to be closer to her mom. She said there is a garage located on the lot that will be on the new lot. She would like to keep the garage and add on to it to make it aesthetically work.

Heather Barnum opened the public hearing at 7:05 p.m.

David Hale, 1056 Fence Post Rd., Fruit Heights, said he is representing his out of town daughter, Becky Hale. He said his daughter is located immediately east of the property being considered for a lot split. He said his daughter wanted to make it known that she is supportive of the applicant's desire to split the lot. She wanted to make sure that when the construction phase begins that drainage issues and the retaining wall be appropriately addressed. He said his daughter feels the City is aware of those concerns, but wanted to add it to the public record as well.

Heather Barnum closed the public hearing at 7:06 p.m.

Rebecca Wayment asked staff if there is anything to include in the motion regarding drainage or retention. **Eric Anderson** said those concerns will be addressed during the building permit approval process. He assured the public and the Commission that the City's Storm Water Official, Ken Klinker, is extremely thorough; the issues will be well vetted.

Connie Deianni asked the applicant for clarification regarding the garage and their plans for it. **Carolyn Hansen** said the garage will not be shared with the other lot, but that it will stand solely on the newly split lot. She hopes to build the house connected to the garage, and make it work as part of the new home. **David Petersen** clarified that the garage is currently detached from the existing home located on the property and that once the lot split occurs, the garage will be located on the other lot.

Motion:

Rebecca Wayment made a motion that the Planning Commission approve the proposed lot split by metes and bounds, subject to all applicable Farmington City ordinances and standards and the

following condition: the applicant shall prepare a final map of survey and record it with the County. **Connie Deianni** seconded the motion, which was unanimously approved.

Findings for Approval:

1. The proposed subdivision conforms to all of the standards and requirements of the underlying OTR zone.
2. Any new construction will have to abide by the design standards for new construction as set forth in Section 11-17-070.
3. The existing home and garage will remain, and will be incorporated into the subdivision.

Item #4. Jared Schmidt / Symphony Homes – Applicant is requesting preliminary plat approval of the Eastridge Estates Phase III Conservation Subdivision consisting of 8 lots on 3.14 acres of property located at 35 East and 1500 South in an LR (Large Residential) zone. (S-10-17)

Eric Anderson said the majority of the homes have been built in Phase I of the Eastridge Estates Conservation Subdivision at this time, and the applicant is ready to move forward on additional phases. He said originally the applicant's schematic master plan included Phase 2a and 2b and Phase III; however, the applicant has since amended the phases to Phase II, III and IV. The applicant's schematic master plan was approved in May 2016, which included consolidating the subdivision's open space for a regional detention basin. He said this regional detention basin serves the project, as well as several others in the area. **Eric Anderson** showed the aerial map of the subdivision, as well as the location of each phase. He said Phase III is located in the middle section, but that it will also connect to Phase I. He said all utilities and improvements will be stubbed so Phase IV can easily connect to them in the future. He said the other issue the applicant was addressing was approval for the wetlands delineation from the U.S. Army Corps of Engineers (USACE). **Eric Anderson** said the letter of preliminary jurisdiction from the USACE, as found in the staff report, allows the applicant to move forward with Phase III as constituted. He said this application meets all requirements for the conservation subdivision, and staff is recommending approval of this item.

Russell Wilson, 526 N. 400 W., North Salt Lake, representing Symphony Homes, said he is available for questions.

Heather Barnum said the biggest question the commissioners had during the Study Session was regarding the wetlands mitigation, but that if the USACE states that it is appropriate to build on it, the commissioners are in support of it. **Russell Wilson** said Phase III had a small piece of wetlands located in the center of the phase, and a little along the west of it. He said the wetlands here were easily mitigated and the USACE has given their approval of it. He said the utilities would not end at the end of the street, but that it will continue through the future Phase IV and into the regional detention basin. **Eric Anderson** asked if that addresses only storm water. **Russell Wilson** said the utilities will take storm water and land drainage to the detention basin. He said all drainage, including sewer, will be going the same way.

Rebecca Wayment asked staff where the West Davis Corridor (WDC) will be located in this area and if it will impact Phase IV of the subdivision. **David Petersen** said the City was told by a UDOT official that the east side I-15 sound wall will not be affected, although the design might be different than what is currently available to view. **Eric Anderson** showed the location that is currently available for the WDC; it would go through the regional detention basin. Based on the GIS measurements, the WDC would be approximately 900' to the edge of Phase III. **Rebecca Wayment** asked what the impact would be to future homeowners. **Russell Wilson** pointed out the old Bamberger ROW on the aerial map; he said

homes would not be built west of that ROW, so the WDC would not impact the homes or the utilities for the subdivision.

Roger Child asked the City's position on flag lots. **David Petersen** said the Ordinance does not allow a subdivision to exceed more than 10% of their overall lots to be flag lots in a subdivision. He said the overall master plan meets the threshold. **Eric Anderson** said there are also strict standards for flag lots, which includes flag lot stems must be 28' wide and cannot be longer than 150'. He said there are additional requirements, and that all flag lots located in this subdivision meet the requirements.

Motion:

Rebecca Wayment made a motion that the Planning Commission approve the preliminary plat for Eastridge Estates Conservation Subdivision Phase III subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant shall enter into a development agreement memorializing the approved master plan prior to final plat;
2. The applicant shall obtain a CLOMR prior to or concurrent with final plat consideration for all property within the FEMA floodplain map;
3. Any wetlands on-site shall be mitigated prior to recordation of final plat;
4. All off-site easements will need recorded easements prior to final plat consideration;
5. The applicant shall provide 15% open space either on site, or offsite in the regional detention basin.

Roger Child seconded the motion, which was unanimously approved.

Findings for Approval:

1. The proposed preliminary meets the requirements of the subdivision and zoning ordinances.
2. The wetlands on-site have preliminary jurisdictional determination from the US Army Corp of Engineers, and Phase III is not impacted by the delineation.
3. The open space being traded to the City for a regional detention basin is desirable because it provides a regional facility for the southeastern portion of Farmington, and the open space would not be desirable within the subdivision boundaries of Phase II.
4. The area where the regional detention basin is to go is development restricted and leaving it as open space that also benefits the City is preferable to including it as part of the subdivision design.

OTHER

Item #5. Miscellaneous: a) Mountain View Motion - Findings

Heather Barnum said she felt staff appropriately captured what was previously discussed during the October 5, 2017 Planning Commission meeting regarding the Mountain View subdivision rezone and the Commission's request for staff to write out Findings for that motion based on the Commission's discussion and concerns from that meeting. She asked that the Planning Commission's draft minutes be included for the City Council for their review, and that it be clearly explained that the findings were based on the standards listed in the Ordinance.

Rebecca Wayment asked staff about the applicant's next steps. **David Petersen** said the applicant plans to continue on to the City Council. **Eric Anderson** said the applicant could change his mind and pull his application prior to the City Council decision if it does not look like the vote is going his way.

Motion:

Rebecca Wayment made a motion that the Planning Commission approve Findings 1 through 3, as written out by staff (and shown below), for the Mountain View rezone request from the Planning Commission's previous October 5, 2017 meeting, as well as the following requests:

1. The Findings will be included in the Planning Commission's draft minutes for City Council's November 7, 2017 packet, and
2. The Findings will also be included in the Planning Commission's minutes that will be voted on for the November 2, 2017 meeting.

Connie Deianni seconded the motion, which was unanimously approved.


Approved Findings:

1. Favorable consideration of the application is not reasonably necessary. Although the developer's rezone request, if approved, may result in low density development next to the Legacy Parkway, it does not provide an adequate transition area between the high density and commercial developments to the north and the rural residential density developments to the south.
2. The proposed amendment is not in the public interest. There is not enough open space in the concept plan to warrant density bonuses proposed by the applicant. The open space may accommodate the entry ways into the proposed subdivision now, and storm water detention, but it is unknown how the open space may be configured as adjacent parcels develop in the future.
3. The property owners request is not consistent with the City General Plan and in harmony with the objectives and purposed of the Zoning Ordinance. The house sizes are too large for the lots proposed (setbacks are too small), and the General Plan dictates larger lots in this area of west Farmington. The lots in the R zone are not consistent with the rural residential density set forth in the General Plan for this neighborhood.

ADJOURNMENT

Motion:

At 7:27 p.m., **Rebecca Wayment** made a motion to adjourn the meeting, which was unanimously approved.



Heather Barhum
Chair, Farmington City Planning Commission